



Sent from: New York Office

November 17, 2023

Via ECF

Hon. Charles R. Breyer
United States District Court
Northern District of California

Re: *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*
Case No. 3:23-md-03084-CRB

Your Honor:

Pursuant to Pretrial Order No. 3, the undersigned, Roopal P. Luhana, of Chaffin Luhana LLP, respectfully applies to serve as Co-Lead Counsel in this matter. Ms. Luhana is particularly well suited to serve as Co-Lead Counsel in the Uber Litigation. In 2010, Ms. Luhana co-founded Chaffin Luhana LLP with her law partner Eric Chaffin, a former federal prosecutor, focusing on representing injured clients in complex litigations. She helps lead a firm of over a dozen attorneys (and over 50 support staff) with over 200 years of combined experience which includes former federal and state prosecutors, and former federal and state judicial law clerks, with offices in New York, Pennsylvania, West Virginia, and Connecticut. Chaffin Luhana's attorneys have recovered over \$1 billion for their clients.

Ms. Luhana is an immigrant and first-generation lawyer who prides herself in hard work and compassionate representation of her clients. She manages the Firm's mass tort cases and team. She regularly organizes, analyzes, streamlines, litigates, and settles thousands of mass tort cases in MDLs and state coordinated proceedings. Directly out of law school in 2001, Ms. Luhana learned how to manage mass tort dockets as a law clerk to Judge Marina Corodemus (Ret.), who at the time was the only NJ mass tort judge in a very busy mass tort state (the home state of many pharmaceutical companies). Ms. Luhana's clerkship gave her firsthand experience dealing with issues that arise in managing large dockets of mass tort cases.

Ms. Luhana is a frequent lecturer on mass torts, including Uber. She was also a Panelist on the Duke Law Conference Panel for Women and Minorities in Leadership and assisted in drafting the MDL Best Practices for Diversity and Inclusivity for federal judges.

1. Professional Experience with this Type of Litigation and MDLs

Chaffin Luhana represents Ariane Cunningham, an MDL plaintiff who was sexually assaulted while a passenger in an Uber vehicle. Chaffin Luhana anticipates filing many additional cases in the MDL. Ms. Luhana, as a woman and attorney exclusively for plaintiffs for

over 20 years, is personally committed to obtaining justice for the sexual assault survivors and their families in this litigation. She and her Firm have represented dozens of sexual assault survivors to date, including in cases against the Boy Scouts of America, various Catholic Dioceses, and various hospitals and clinics, including Rockefeller University Hospital in New York, among others. The Firm has also engaged trauma specialists to implement firm training on best practices for communicating with and assisting sexual assault survivors.

For two decades, Ms. Luhana has led and assisted in litigating numerous consolidated litigations and MDLs. She has been entrusted by federal judges who have appointed her to numerous Plaintiffs' Executive and Steering Committees, including in Camp Lejeune, Paraquat, Zantac, 3T Heater Cooler, Yaz Birth Control, and Denture Cream litigations, among others. In these leadership positions, Ms. Luhana has led the charge in navigating a multitude of critical issues, including ESI and discovery matters, law and briefing, experts, and data analytics.

Ms. Luhana's mass tort experience is extensive and includes serving on the Plaintiffs' Executive Committee in the Paraquat MDL, *In re: Paraquat Products Liability Litigation*, MDL No. 3004, where she and the Firm have worked extensively on discovery, depositions, expert matters, and briefing. In 2020, Ms. Luhana was appointed as the Chair of ESI/Document Production in *In re: Zantac (Ranitidine) Products Liability Litigation*, MDL No. 2924 (S.D. Fl.). She managed and contributed to every facet of the litigation, from negotiating orders, streamlining discovery, taking fact and expert depositions and arguing critical motions before the Court. She also served on the PEC for the 3T-Heater-Cooler MDL, *In re: Sorin 3T Heater-Cooler System Prods. Liab. Litig.*, (No. II), MDL No. 2816 (M.D. Pa.), which was largely resolved in record time. Ms. Luhana was one of two women appointed to the PSC in *In re: Yasmin and Yaz (Drospirenone) Marketing, Sales Prac. and Prods. Liab. Litig.*, MDL No. 2011 (S.D. Ill.) which resulted in a warning label change and over \$2 billion in settlements. Ms. Luhana's extensive experience in mass tort litigation has prepared her to lead the Uber litigation. Ms. Luhana's resume is attached as Exhibit A.

2. Most Relevant Judicial Contact Information

- A. *In re: Paraquat Prods. Liab. Litig.*, MDL 3004 (S.D. Ill.), Judge Nancy J. Rosenstengel; contact info: (618) 482-9172; Special Master Randi Ellis, contact info: (225) 803-1413
- B. *In re: Zantac (Ranitidine) Prods. Liab. Litig.*, MDL No. 2924 (S.D. Fl.), Judge Robin L. Rosenberg; contact info: (561) 803-3430
- C. *In re: Zantac (Ranitidine) Prods. Liab. Litig.*, MDL No. 2924 (S.D. Fl.), Magistrate Judge Bruce E. Reinhart; contact info: (561) 514-3710
- D. *In re: Yasmin and Yaz (Drospirenone) Marketing, Sales Prac. and Prods. Liab. Litig.*, MDL No. 2011 (S.D. Ill.), Judge David R. Herndon (retired); contact info: dave@herndonresolution.com; Special Master Randi Ellis, contact info: (225) 803-1413

3. Willingness and Availability to Commit Time to this Litigation and Work Cooperatively with Other Counsel

Ms. Luhana is keenly aware of the personal time commitment necessary to litigate complex cases such as this one and, along with her colleagues at Chaffin Luhana, is willing and

able to commit the time and effort necessary to see this litigation to a successful resolution. Her prior focus and work on another MDL (Zantac) recently concluded, and all fact and expert discovery, as well as Daubert briefing, in the Paraquat litigation also recently concluded. And Ms. Luhana's time commitment in the Camp Lejeune litigation is reduced by the extensive number of firms and attorneys (over 25 law firms) in leadership and the PEC/PSC in that litigation, with six (6) Co-Lead Counsel and one (1) Lead Counsel. In short, she can devote the necessary time and resources to this MDL.

As demonstrated by the numerous MDLs Ms. Luhana and the other attorneys at Chaffin Luhana have been involved in, they work very cooperatively with others. Moreover, Ms. Luhana has begun analyzing the nuanced issues in this MDL. She has already met and conferred with Defendants on initial issues, including the settlement master submission, preservation obligations, and a confidentiality/privilege order. She also has been diligently and cooperatively working with the proposed Plaintiffs' Leadership Group ("PLG") to draft key initial pre-trial orders and to discuss other steps to manage and streamline the litigation as it moves forward. The PLG has extensive experience, expertise, resources, and commitment to effectively and efficiently litigate this matter. Ms. Luhana individually and as a group supports the PLG, attached as Exhibit B.

4. Resources Available to Prosecute this Litigation in a Timely Manner

Ms. Luhana's Firm is well-capitalized with ample resources and staff to fully meet the commitments and demands of the Uber litigation. The Firm has multiple attorneys and paralegals committed to devoting the necessary time and attention to this case. Additionally, Chaffin Luhana is a data-nimble firm with salesforce developers and data analysts on the team who are skilled at managing large databases/repositories and technology. The Firm has the necessary personnel and substantial financial resources necessary to prosecute this case.

5. Additional Considerations for Appointment

Chaffin Luhana has core values that set the firm apart from other plaintiff-focused law firms. The Firm was founded and is guided by the ethos, "Doing Good by Doing Right." This ethos builds on integrity and resiliency instilled in Ms. Luhana and her partner, Mr. Chaffin, by their hardworking parents. The Chaffin Luhana Foundation—a philanthropic extension of the firm and its values—supports community empowerment through the endowment of funds to various causes and deserving recipients, the creation of community-based enrichment projects, and the support of important research that meaningfully impacts the under-privileged in society. Ms. Luhana and her Firm are committed to the Uber litigation and, on behalf of their clients, respectfully request that Ms. Luhana be appointed to serve as Co-Lead Counsel.

Respectfully,



Roopal P. Luhana

Encls.